

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

KING MWASI,

Plaintiff,

v.

LUCKEN, *et al.*,

Defendants.

Case No. 1:21-cv-00702-JLT-BAM (PC)

ORDER GRANTING DEFENDANTS' *EX PARTE* MOTION FOR ADMINISTRATIVE RELIEF REQUESTING EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S SUPPLEMENTAL BRIEFING AND MOTION FOR ORDER

(ECF No. 97)

Plaintiff King Mwasi ("Plaintiff") is a state prisoner who proceeded *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action was originally set for a pretrial conference on October 14, 2025, and a jury trial on December 16, 2025.

On May 13, 2025, the Court issued a second scheduling order directing Plaintiff to file his pretrial statement on or before September 2, 2025. (ECF No. 80.) Plaintiff failed to file a pretrial statement in compliance with the Court's order. Based on that failure, on September 8, 2025, the Court ordered Plaintiff to show cause by written response why this action should not be dismissed, with prejudice, for failure to obey the Court's order and for failure to prosecute. (ECF No. 83.) Having not received a response to the show cause order, the Court dismissed the action, with prejudice, on September 30, 2025. (ECF No. 86.) Judgment was entered accordingly on the same date. (ECF No. 87.)

1 On September 30, 2025, after judgment was entered, Plaintiff filed a motion for extension  
2 of time to file an answer as to why the action should not be dismissed, which the Court construed  
3 as a motion for reconsideration of the Court's final order and judgment. (ECF Nos. 88, 90.)  
4 Plaintiff was ordered to file a supplemental brief in support of the motion for reconsideration  
5 within twenty-one (21) days, with a response from Defendants due fourteen (14) days thereafter.  
6 (ECF No. 90.)

7 On October 14, 2025, Plaintiff filed his response to the Court's September 8, 2025 order  
8 to show cause. (ECF No. 91.) Defendants filed a response on October 15, 2025. (ECF No. 92.)

9 On November 12, 2025, Plaintiff filed a motion for an extension of time to file his  
10 supplemental brief along with his supplemental brief. (ECF Nos. 93, 94.) On November 13,  
11 2025, the Court granted Plaintiff's request for an extension of time, accepted Plaintiff's  
12 supplemental brief as timely filed, and directed that Defendants' response, if any, be filed on or  
13 before November 26, 2025. (ECF No. 95.)

14 On November 17, 2025, Plaintiff filed a motion for order directing California Men's  
15 Colony to issue his legal files and to schedule an evidentiary hearing. (ECF No. 96.)

16 Currently before the Court is Defendants' *ex parte* motion for administrative relief  
17 requesting a thirty-day extension of time to respond to Plaintiff's supplemental briefing and his  
18 motion for order, filed November 21, 2025. (ECF No. 97.) Defendants assert that good cause  
19 exists to grant the requested extension as Plaintiff has filed supplemental briefing and a motion  
20 for order that contain new factual claims that require additional time to investigate. (*Id.* at 2.)  
21 Defendants assert that motion for order is directly tied to Plaintiff's supplemental briefing as it  
22 has the same basis, and the motion contains new information regarding the claims in Plaintiff's  
23 supplemental briefing. (*Id.*) Defense counsel declares that Defendants have been working to  
24 investigate the claims in the supplemental briefing but require additional time to investigate the  
25 new information in the motion for order. Defense counsel states there is insufficient time to  
26 conduct the necessary investigation prior to the current November 26, 2025 response deadline.  
27 (ECF No. 97-1, Declaration of Jacqueline Kallberg ¶ 10.) Further, Defendants intend to file an  
28 omnibus response to the supplemental briefing and motion for order, and thirty days would

1 provide defense counsel adequate time to investigate the new claims alleged by Plaintiff and  
2 prepare a response. (*Id.* ¶¶ 11, 12.) Defendants assert that the extension would not prejudice any  
3 party as the matter has been dismissed and there are no other pending deadlines. (*Id.* ¶ 13.)

4 Plaintiff has not had the opportunity to respond to Defendants' motion for an extension of  
5 time, but the Court finds a response unnecessary. Defendants' motion is deemed submitted.  
6 Local Rule 230, 233.

7 The Court finds good cause to grant the requested extension of time to allow Defendants'  
8 time to investigate Plaintiff's claims in both his supplemental brief and motion for order.  
9 Plaintiff's deadline to file a reply will remain fourteen (14) days after Defendants' opposition has  
10 been filed, or on or before January 9, 2026.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. Defendants' *ex parte* motion for administrative relief requesting extension of time to  
13 respond to Plaintiff's supplemental brief and motion for order, (ECF No. 97), is  
14 GRANTED.
- 15 2. Defendants' response to Plaintiff's supplemental brief (ECF No. 94) and to Plaintiff's  
16 motion for order (ECF No. 96) shall be filed on or before December 26, 2025.
- 17 3. Plaintiff's reply in support of his motion, if any, shall be filed on or before **January 9,**  
18 **2025.**

19  
20 IT IS SO ORDERED.

21 Dated: November 25, 2025

22 /s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE  
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